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17 **UNITED STATES DISTRICT COURT**

18 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

20 CISCO SYSTEMS, INC.,

21 Plaintiff,

22 vs.

23 ARISTA NETWORKS, INC.,

24 Defendant.

CASE NO. 5:14-cv-5344-BLF

**CISCO'S ADMINISTRATIVE MOTION  
TO FILE UNDER SEAL CONFIDENTIAL  
INFORMATION IN CISCO'S  
OPPOSITION TO ARISTA'S MOTION  
TO STRIKE EXPERT OPINIONS AND  
TESTIMONY OF DR. JUDITH A.  
CHEVALIER**

25 Judge: Hon. Beth Labson Freeman

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2 Pursuant to Civil Local Rules 7-11 and 79-5, Cisco Systems, Inc. (“Cisco”) hereby brings  
 3 this administrative motion for an order to seal certain information filed in connection with Cisco’s  
 4 Opposition to Arista Networks, Inc’s (“Arista”) Motion to Strike Expert Opinions and Testimony  
 5 of Dr. Judith Chevalier.

6

**I.     LEGAL STANDARD**

7       In the context of non-dispositive motions, materials may be sealed so long as the party  
 8 seeking sealing makes a “particularized showing” under the “good cause” standard of Federal  
 9 Rule of Civil Procedure 26(c). *Kamkana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th  
 10 Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1138 (9th Cir.  
 11 2003)). In addition, Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that  
 12 the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled  
 13 to protection under the law” ( *i.e.*, that the document is “sealable”). Civil L.R. 79-5(b). The  
 14 sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

15

**II.    GOOD CAUSE EXISTS TO PERMIT FILING UNDER SEAL**

16       Cisco makes this request to seal the documents identified herein for the reasons explained  
 17 in detail in the Declaration of Sara E. Jenkins in support of this Administrative Motion to File  
 18 Under Seal (“Jenkins Declaration”). Although Cisco does not claim confidentiality in any of the  
 19 documents specified below, Cisco files this motion to seal to provide Arista with the opportunity  
 20 to file a declaration pursuant to Civil Local Rule 79-5(e) to support the sealing of these documents  
 21 as they contain, or refer to, information that Arista designated as confidential under the protective  
 22 order.

23

**II.    DOCUMENTS SOUGHT TO BE SEALED**

24       The documents, and portions of documents, that Cisco seeks to seal through this motion  
 25 are included in the chart below:

26

27

02099-00004/8268985.1

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ADMINISTRATIVE MOTION TO FILE UNDER SEAL CONFIDENTIAL INFORMATION IN CISCO’S  
 OPPOSITION TO ARISTA’S MOTION TO STRIKE EXPERT OPINIONS OF DR. JUDITH A. CHEVALIER

Document	Portions to Be Filed Under Seal	Party With Claim of Confidentiality
Cisco's Opposition to Arista's Motion to Exclude Expert Opinion Testimony From Dr. Judith A. Chevalier	Highlighted Portions	Arista
Exhibit 1 to the Declaration of Sara E. Jenkins in Support of Cisco's Opposition to Arista's Motion to Exclude Expert Opinion Testimony From Dr. Judith A. Chevalier	Entire	Arista

16 August 19, 2016

17 Respectfully submitted,

18 /s/ John M. Neukom

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